

CALIFORNIA EMERGENCY MANAGEMENT AGENCY (Cal EMA)
RECOVERY ACT PROGRAM: VERTICAL PROSECUTION VP09
PERFORMANCE ASSESSMENT / SITE VISIT REPORT

1. **GRANT AWARD NUMBER:** VP09010210 **DATE OF SITE VIST:** 01/26/2010
2. **GRANT PERIOD:** 07/01/2009 THRU 09/30/2010
3. **RECIPIENT/IMPLEMENTING AGENCY:** County of Marin Office of the District Attorney
4. **PROJECT DIRECTOR:** Chief Deputy District Attorney Kathryn Mitchell

PERSONS INTERVIEWED DURING SITE VISIT:

<u>NAME</u>	<u>TITLE</u>	<u>AGENCY</u>
KATHRYN MITCHELL	PROJECT DIRECTOR	MARIN D.A.
HELEN DONAHEY	ROUTINE FISCAL STAFF	MARIN D.A.
PEGGY TOTH	FINANCIAL OFFICER	MARIN D.A.
CHARLES CACCIATORE	PROGRAM COORDINATOR	MARIN D.A.
_____	_____	_____
_____	_____	_____

Signature of Program Specialist

Date

Signature of Section Chief

Date

Signature of Project Representative

Date

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A. ADMINISTRATIVE REVIEW

YES **NO** **N/A**

1. OPERATIONAL DOCUMENTS

Review hard copy/verify the ability to access on line:

- The Cal EMA Recipient Handbook (R.H.)
- The Approved Grant Award Agreement
- Is the project familiar with Office of Management and Budget, OMB Circulars which govern your organization? Circulars may be found at www.whitehouse.gov/omb/circulars.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

2. ENVIRONMENTAL IMPACT – CEQA COMPLIANCE (R.H. Section 2153)

- Does the project have their CEQA documentation on file?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

3. PROOF OF AUTHORITY (R.H. Section 1350)

- Does the project have a written authorization/resolution on file as required by the Grant Award Agreement? ***Ask for copy**

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

YES **NO** **N/A**

4. ORGANIZATIONAL CHART

- Review the organizational chart. Are all budgeted positions identified?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments:

5. Cal EMA MODIFICATION (Cal EMA 2-223)

- Review the purpose/preparation of Grant Award Modification (Cal EMA 2-223). [R. H. Section 7500] (*Instruct the project staff on the procedure to obtain the most recent forms from Cal EMA website.*)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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A modification is needed for the following:

- Budget changes
- Change in key personnel
- Adding/changing additional signers
- Change goals/objectives, or activities
- Address change
- Other

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Comments:

PERSONNEL POLICIES

- | | | | |
|---|-------------------------------------|--------------------------|--------------------------|
| • Does the project staff have access to written personnel policies as required? [R. H. Section 2130] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Do policies include: | | | |
| ○ Maintenance of personnel files for all paid and volunteer staff including job applications, salaries, benefits, and current job duties/descriptions | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ○ A current Drug Free Workplace policy statement on file signed by the employee? [R. H. Section 2152] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ○ Work hours | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ○ Compensation rates | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ○ Overtime | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Did the Board approve the agency's current personnel policy? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: Approved by Human Resources

YES **NO** **N/A**

6. FUNCTIONAL TIMESHEETS

- | | | | |
|---|-------------------------------------|--------------------------|--------------------------|
| • Does the project use functional timesheets for each grant funded position less than 1 FTE? OR Time Study Allocation plan updated within the last 2 years? [R. H. Section 11331] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Are timesheets (paid staff & volunteer) signed by staff & approved by supervisor? (Review timesheets to ensure they are signed by the staff and supervisor) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: There were two side of the employee timesheet. The timesheet was split in half after it was filled out. One side was sent to the VAWA Program Coordinator to keep track of the FTE hours. The other half was sent to their payroll. Both sides had signature block for supervisors, but it was not required for the supervisor to sign both sides.

7. DUTIES OF FINANCIAL OFFICER AND BOOKKEEPER

- | | | | |
|--|-------------------------------------|--------------------------|--------------------------|
| • Are the duties of the financial officer and the bookkeeper separate to ensure no one person has complete authority over a financial transaction? (show breakdown of payouts) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ○ Name of the title of the person who approves purchases.
Peggy Toth, Financial Officer | | | |
| ○ Name of the title of the person who writes checks.
Centralized Accounting Office | | | |
| ○ Name of the title of the person(s) who signs checks.
Centralized Accounting Office | | | |

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Comments:

8. SOURCE DOCUMENTATION-Fiscal [R. H. Section 11000]

- Does the project maintain a record-keeping system which will accurately support costs claimed on Report of Expenditure and Request for Funds (Cal EMA Form 2-201)? ☒ ☐ ☐

Comments:

9. PROJECT EXPENDITURES

- Is the project's expenditure rate commensurate with the elapsed period of the grant? ☒ ☐ ☐
- Are the project's expenditures being made in accordance with the terms of the Grant Award Agreement? ☒ ☐ ☐
- Does the project need to submit a Grant Award Modification Request (Cal EMA Form 2-223)? ☐ ☒ ☐
- Is the project up-to-date with the submission of Cal EMA Form 2-201? ☒ ☐ ☐

YES **NO** **N/A**

Comments:

10. MATCH REQUIREMENTS

- Does the project have a match requirement? ☒ ☐ ☐
- Is the project meeting the match requirement? ☒ ☐ ☐
- Review the supporting documentation to substantiate cash or in-kind match. ☒ ☐ ☐

Comments:

11. EEO POLICY

- Go over EEO checklist. (Separate document) ☒ ☐ ☐

Comments:

12. RECOVERY ACT SUPPORTING DOCUMENTATION

- Does the project maintain auditable documentation supporting all reported data, including job data. (Separate document) ☒ ☐ ☐

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Comments: DARWIN - A tracking system for cases. Developed by Marin County District Attorney's Office.

B. PROGRAMMATIC REVIEW

GENERAL

YES NO N/A

1. PROGRAM GOALS AND OBJECTIVES

- Review the goals and objectives of the program and the programmatic requirements of the Grant Award Agreement. Is the project meeting the program goals and objectives? ☒ ☐ ☐
- Does the project staff need to submit Cal EMA Form 2-223 to modify their grant objectives? ☐ ☒ ☐

Comments:

2. PROGRESS REPORT

- Discuss and review the programmatic Progress Report requirements. ☒ ☐ ☐

Comments:

3. SOURCE DOCUMENTATION-Programmatic

- Is the project maintaining a record keeping and data collection process that will accurately support the project's reported data on the Progress Report form? ☒ ☐ ☐
- Review the project's file system and data collection process.

Comments:

4. OPERATIONAL AGREEMENTS

- Does the project have current Operational Agreements as required by the Grant Award Agreement? (Page 7 RFP) ☒ ☐ ☐

Comments:

5. PROJECT STAFF DUTIES

- Interview project staff and discuss their duties and the relationship to the grant. Are employees performing duties as stated in the Grant Award Agreement? ☒ ☐ ☐

Comments: Charles Cacciatore, Deputy District Attorney, was interviewed

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C. SUPPLEMENTAL PROGRAMMATIC REVIEW

1. PROJECT OBJECTIVES

A. Review the project's progress in accomplishing its objectives.

B. Is the unit concentrating prosecution efforts and resources on individuals that are accused of serious crimes against women?

Yes ☒ No ☐

If no, explain

C. Is the prosecutor or prosecution unit making the initial filing or appearance in a case, and performing all subsequent court appearances on a particular case through to its conclusion including the sentencing phase?

Yes ☒ No ☐

If no, explain

D. Did the unit assign highly qualified prosecutors and investigators to the specific category of cases?

Yes ☒ No ☐

If no, explain

E. Did the unit maintain a reduction of caseloads for its prosecutors and investigators?

Yes ☒ No ☐

If no, explain

F. Were prosecutors and investigators exclusively assigned to prosecute violations of violent crimes against women?

Yes ☒ No ☐

If no, explain

G. Are full-time positions split-funded? [Positions may be split-funded ONLY when grant funds are insufficient to support full-time staff positions]

Yes ☐ No ☒

If no, explain

H. Has the agency established a personnel rotation policy for vertical prosecution staff?

Yes ☒ No ☐

If no, explain

Staff is on a rotation once cases are seen through to completion.

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If so, does the rotation policy demonstrate a commitment to stability and continuity of staff assignments?

Yes ☒ No ☐

If no, explain

I. What is the degree of Vertical Prosecution?

a. True Vertical Prosecution

Does the same prosecutor file the charges? Or, does the same prosecutor make the first appearance (after the defendant is identified as meeting the necessary criteria) AND make all subsequent court appearances through the sentencing stage?

Yes ☒ No ☐

If no, explain

b. Major Stage Vertical Prosecution

Does the same prosecutor file the charges? Or, does the same prosecutor make the first appearance (after the defendant is identified as meeting the necessary criteria) AND all significant appearances, such as: preliminary hearing, trial sentencing, contested motions affecting bail, admissibility of evidence, dismissal of charges, change of venue, motions to sever or consolidate, discovery, setting aside the verdict, or motions concerning search warrants.

Yes ☒ No ☐

If no, explain

c. Unit Vertical Prosecution

Is the principal prosecutor who filed charges assisted by no more than one other unit attorney?

Yes ☒ No ☐

If no, explain

If so, is this back-up attorney designated for the entire grant award period?

Yes ☒ No ☐

If no, explain

2. REQUIRED POLICIES

A. Are all reasonable prosecutorial efforts will be made to resist pre-trial release of a charged defendant meeting the program priority selection criteria?

Yes ☒ No ☐

If no, explain

B. Are all reasonable prosecutorial efforts being made to reduce the time between arrest and disposition of charges against an individual meeting the program priority criteria?

Yes ☒ No ☐

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If no, explain

- C. Are all funded prosecutors and investigators maintaining a reduced caseload?

Yes ☒ No ☐

If no, explain

- D. Are all of these policies in writing, and available to unit staff and Cal EMA?

Yes ☒ No ☐

If no, explain

- E. Is the agency actively and regularly participating in its city's and/or county's violence against women interagency task force?

Yes ☒ No ☐

If no, explain

- F. Does the agency keep on file documentation that records the participation in the above meetings, e.g. meeting minutes?

Yes ☒ No ☐

If no, explain

Minutes are filed on site where the meetings are held. They can be accessed by the District Attorney's Staff.

3. ADDITIONAL INFORMATION

- A. If the agency is in a county that does not have an existing interagency task force, has the agency developed the required community partnerships?

Yes ☒ No ☐

- B. How are cases referred to the unit?

Cases come into the District Attorney's Office and are received by the intake desk. From there the cases are distributed to the appropriate units. For example, the Vertical Prosecution Unit.

- C. What are the sources of the referrals?

All Marin County Law Enforcement Agencies.

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D. What are the project strategies to develop linkages to increase the number of cases referred/prosecuted?
Strategies are developed through on-going training and education.

E. Are current resumes and duty statements maintained on site by the project for each staff person assigned to this project? [Each position must be identified by staff name, percentage of time on grant, and duties performed.]

Yes ☒ No ☐

If no, explain

F. Is the project staff accomplishing its objectives consistent with the terms of the grant award agreement?

Yes ☒ No ☐

If no, explain

G. Does the project need to submit Cal EMA Form 223 to modify their grant objectives?

Yes ☐ No ☒

If no, explain
Not at this time.

PROJECT STAFF DUTIES

A. Interview project staff and discuss their duties and the relationship to the grant. Are employees performing duties as stated in the Grant Award Agreement?

Yes ☒ No ☐

If no, explain

B. Does the project staff need to submit Cal EMA Form 223 to modify its grant objectives?

Yes ☐ No ☒

If no, explain
Not at this time.

C. Does the project provide assistance in filing application for Victim Compensation?

Yes ☒ No ☐

If no, explain

D. Does the project provide assistance, advocacy and support during judicial proceedings?

Yes ☒ No ☐

If no, explain

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E. Does the project use volunteers?

Yes ☐ No ☒

If no, explain

F. Have all employees/volunteers completed the required background checks?

Yes ☒ No ☐

If no, explain

G. Does the project staff have documentation supporting the completion of the required checks?

Reference Checks

- Criminal Background Check (if staff/volunteers have resided in California for less than 3 years, out-of-state criminal history checks are also required)
- Child Abuse Central Index Checks
- Department of Motor Vehicle Checks

Yes ☒ No ☐

If no, explain

Law Enforcement Background Checks